

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the) NOTICE OF PUBLIC HEARING
proposed amendment of) ON PROPOSED AMENDMENT
ARM 10.55.909 relating)
to student records)

TO: All Concerned Persons

1. On September 1, 2004 at 9:00 a.m. a public hearing will be held in the conference room at the Office of the Commissioner of Higher Education, 2500 Broadway, Helena, Montana, to consider the amendment of a rule relating to student records.

2. The Board of Public Education will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Public Education no later than 5:00 p.m. on August 18, 2004 to advise us of the nature of the accommodation that you need. Please contact Steve Meloy, P.O. Box 200601, Helena, MT 59620-0601, telephone: (406) 444-6576, FAX: (406) 444-0847, e-mail: smeloy@bpe.montana.edu.

3. The rule proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

10.55.909 STUDENT RECORDS (1) Each school shall keep, in secure storage, a permanent file of students' records, that shall include:

- (a) the name and address of the student ; *i*
- (b) his/her parent or guardian ; *i*
- (c) birth date ; *i*
- (d) academic work completed ; *i*
- (e) level of achievement (grades, standardized achievement tests) ; *i*
- (f) immunization records as per 20-5-406, MCA ; *i* ~~and~~
- (g) attendance data ; *i*
- (h) and a record of any disciplinary action taken against the student that is educationally related. For the purposes of this rule, a disciplinary action that is educationally related is an action that results in the expulsion or out of school suspension of the student.

(2) and (3) remain the same.

AUTH: Sec. 20-2-114, MCA

IMP: Sec. 20-2-121, 20-1-213, MCA

Statement of Reasonable Necessity: The Board of Public Education finds that it is reasonable and necessary to amend this rule to comply with the requirements of Section 4155 of

the No Child Left Behind Act. This rule together with the provisions contained in 20-1-213, MCA, meet those requirements.

4. Concerned persons may present their data, views or arguments, either orally or in writing, at the hearing. Written data, views or arguments may also be submitted by mail to the Board of Public Education, P.O. Box 200601, Helena, Montana 59620-0601, or by e-mail to smeloy@bpe.montana.edu and must be received no later than 5:00 p.m. on September 3, 2004.

5. Steve Meloy has been designated to preside over and conduct the hearing.

6. The Board of Public Education maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding student records or other school related rulemaking actions. Such written request may be mailed or delivered to Steve Meloy, P.O. Box 200601, Helena, Montana 59620-0601, faxed to the office at (406) 444-0847, by e-mail to smeloy@bpe.montana.edu, or may be made by completing a request form at any rules hearing held by the Board of Public Education.

7. The bill sponsor requirements of 2-4-302, MCA, do not apply. The requirements of 20-1-501, MCA, have been fulfilled. Copies of these rules have been sent to all tribal governments in Montana.

/s/ Dr. Kirk Miller
Dr. Kirk Miller, Chairperson
Board of Public Education

/s/ Steve Meloy
Steve Meloy, Rule Reviewer
Board of Public Education

Certified to the Secretary of State July 26, 2004.